

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, June 14, 2005**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Kate Mauck, Senior Administrative Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:15 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, June 7, 2005. Motion carried, 5-0.

COMMENDATIONS

The Board of County Commissioners presented the following Commendations:

- Retirement – William E. Ball, Department of Recreation, Parks, and Community Services
- AmeriCorps*VISTA Volunteer Erin Fay, Department of Recreation, Parks, and Community Services

ST. MARY'S COUNTY HOUSING AUTHORITY: HOME OWNERSHIP PROGRAM PARTICIPANTS

Representatives from the St. Mary's County Housing Authority introduced Homeownership Program participants Kelly Busby, Karen Shade, Mr. & Mrs.

McClanahan, Ieshia Fogle-Bean, Patricia Frank, and Celina Butler, and outlined details regarding the program.

ST. MARY'S COUNTY LIBRARIES: SUMMER PROGRAMS

Present: Kathleen Reif, Director
Janis Cooker, Children's Coordinator

Representatives from the St. Mary's County Library system outlined details of the "Wild About Reading" summer library program.

COUNTY ADMINISTRATOR

1. Draft Agenda for June 28, 2005

Commissioners directed staff to modify the June 28th agenda to remove the matter of a decision on Office Business Parks.

2. St. Mary's County Public Schools

Present: Dr. Lorraine Fulton, Interim Superintendent
Daniel Carney, Chief Financial Officer

- a. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to sign letter to St. Mary's County Public Schools approving the operating, capital, restricted, and revolving fund budgets as presented and authorize the expenditure level by category as to both amount and FTE positions for the Operating Fund, as reflected on Page 2 of the Board of Education Budget Book. Motion carried, 5-0.**
- b. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Schedule of Non-Recurring Excludable Costs form, approve the submission, and sign the accompanying letter to the Maryland State Department of Education. Motion carried, 5-0.**

3. Sheriff's Department

Present: Captain Kenneth Cusic
Erin Shoemaker, Fiscal Manager

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign letter for required grant matching funds of 25% for the Domestic

Violence Program grant “SAVE the Victims”, and sign letter to Governor’s Office of Criminal Control and Prevention. Motion carried, 5-0.

4. Walden/Sierra, Inc. and Marcey House

Present: Dr. Kathleen O’Brien, Executive Director, Walden/Sierra, Inc.
Susan Mennell, Treatment Coordinator, Marcey House

- a. **Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign FY 2005 Revised Conditions of Award from the Maryland Alcohol and Drug Abuse Administration for Walden/Sierra and Marcey House. Motion carried 5-0.**
- b. **Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Grant Agreement with the Maryland Department of Human Resources for Community Sexual Assault Prevention and Awareness Activities, and also to sign Transmittal Page to the accompanying revised proposal. Motion carried, 5-0.**

5. Community Development Corporation, Department of Public Works & Transportation, and Department of Economic & Community Development

Present: Robin Finnacom, Executive Director, CDC
George Erichsen, Director, DPW&T

- a. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Community Legacy Grant Documents that would provide partial funding for a sidewalk improvement on Bunker Hill Drive as part of the Bunker Hill-Midway Drive Streetscape Project. Motion carried, 5-0.**

Commissioner President McKay requested an evaluation of the need for street lighting be completed and a report submitted prior to the beginning of work on the sidewalks. The streetlights should be installed for safety reasons; however, they are not to be intrusive.

- b. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Installation and Maintenance Agreement of Streetscape Improvements for J and G Gibson, LLC trading as Gibson Country Sausage and Produce. Motion carried, 5-0.**

6. Department of Economic & Community Development

Present: Carolyn Laray, Tourism Manager

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment increasing the FY05 Tourism Advertising Budget by \$19,000 due to an increase in revenues generated through cooperative tourism advertising with local agencies/organizations. Motion carried, 5-0.

7. Department of Recreation, Parks, and Community Services

Present: Phil Rollins, Director

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve submission of Application for Funding for phase two of the Three Notch Trails, and approve and sign letter to the Maryland State Highway Administration, Office of Environmental Design. Motion carried, 5-0.**
- b. **Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment to reflect a decrease of \$12,025 in FY05 SOSAR Camp Expenses, Project #OT0503, and to increase the BOCC Emergency Reserve Account by \$12,025. Motion carried, 5-0.**

8. Real Property Manager and County Attorney

Present: Joyce Malone, Real Property Manager
John B. Norris, III, County Attorney
Denis Canavan, Director, Land Use and Growth Management

- a. **Commissioner Mattingly moved to approve and authorize the Commissioner President to sign Railroad Right-of-Way Temporary Easement Agreement with SMECO and Wal-Mart Real Estate Business Trust for the purpose of the construction of Three Notch Trail. There was no second to the motion; therefore, the motion failed.**

Commissioner Raley moved, seconded by Commissioner Jarboe, to table the proposed recommendation to sign Railroad Right-of-Way Temporary Easement Agreement with SMECO and Wal-Mart Real Estate Business Trust for the purpose of the construction of Three Notch Trail, until the request for TDRs for Wal-Mart comes forward, and both matters can be completed at the same time. Motion carried, 5-0.

- b. **Commissioner Raley moved, seconded by Commissioner Jarboe, upon the recommendation of the County Attorney, to approve and authorize the Commissioner President to sign Estoppel Letter to SMS, LLC for Unit #8 leased by the County on behalf of the St. Mary's County Sheriff's Office and to sign the Subordination, Non-Disclosure and Attornment Agreement with SunTrust Bank, Lender on behalf of SMS, LLC. Motion carried, 5-0.**

9. Human Resources

Present: Dee Snyder, Benefits Coordinator
Sue Sabo, Director, Human Resources

- a. Mr. Forrest introduced Ms. Sue Sabo, the new Director of Human Resources.
- b. **Commissioner Raley moved, seconded by Commissioner Dement, to approve the scheduling of a public hearing for the Fourth Amendment to the Sheriff's Retirement Plan Document. Motion carried, 5-0.**

10. Department of Land Use and Growth Management

Present: Denis Canavan, Director

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$3,000 to increase the Advertising and Legal Notice Account and to decrease the Vacant Salary Account. Motion carried, 5-0.

11. County Administrator

Present: George Forrest

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$500 to pay for temporary help for the Bay Restoration Fund. Motion carried, 5-0.

The Commissioners adjourned as the St. Mary's County Board of County Commissioners, and reconvened as District Council for the Holly Point Shore Erosion District.

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION: HOLLY POINT SHORE EROSION CONTROL SPECIAL TAXING DISTRICT DECISIONS RE:

- Proposed Amendment to Ordinance 2004-10 for the Holly Point Shore Erosion Control Special Taxing District to include Property of Tax Map 68, Parcel 17 into the Boundary
- Proposed Resolution Confirming the Continuation of the Holly Point District

Present: George Erichsen, Director

Mr. Erichsen presented information regarding a proposed Amendment to Ordinance 2004-10 for the Holly Point Shore Erosion Control Special Taxing District to include Property of Tax Map 68, Parcel 17 into the Boundary. A properly advertised public hearing was held on May 31, 2005, with no comment from the public during the open comment period.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the Ordinance which would amend Ordinance 2004-10 for the Holly Point Shore Erosion Control Special Taxing District, to include the Fritz property into the district, and to be signed by the Board acting as District Council. Motion carried, 5-0.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign the Resolution Confirming the Continuation of the Holly Point District. Motion carried, 5-0.

The Commissioners adjourned as District Council for the Holly Point Shore Erosion District, and reconvened as the St. Mary's County Board of County Commissioners.

PUBLIC HEARINGS: AGRICULTURE PRESERVATION DISTRICT APPLICANTS

Present: Donna Sasscer, Agriculture Manager

Ms. Sasscer outlined information regarding requests by property owners George & Barbara McWilliams, James K. Raley, and Debra Purvins, to participate in the Maryland Agriculture Land Preservation Program. The public hearing was properly advertised on May 29 and June 5, 2005.

The application by George & Barbara McWilliams, located at 37760 Pene Rene Lane, in Avenue is 44.70 acres, and is located at Tax Map 38, Grid 16, Parcel 31.

The application by James K. Raley, located at Part One of Church Swamp in Avenue, is 24 acres, and the parcel is identified as Tax Map 38, Grid 16, Parcel 269.

The application by Steve & Debra Purvins, located at 22362 Colton Point Road in Bushwood, is 191 acres, and is identified as Tax Map 38, Grid 16, Parcels 95 & 277.

Commissioner President McKay opened the public hearing for public testimony, and, as no one was present to speak regarding the matter, the public hearing was then closed. The matter will remain open for written public comment for ten days, and will then be placed on an agenda for discussion and a final decision.

COMMISSIONERS' TIME

Commissioner Dement

Expressed congratulations to Barbara McWilliams and stated that he would be unable to attend next week's Fireman's Convention in Ocean City.

Reported that all the Commissioners attended and participated in the Northern Senior Center Grand Opening Celebration last week.

Reported that he attended the reception and ceremony in recognition of all retired St. Mary's County Public School employees, and that his wife was included as one of the retirees.

Attended, along with Commissioner McKay, the ribbon cutting ceremony for the Rexel Electrical & Datacom Products. The company recently opened a brand new branch in Lexington Park.

Expressed congratulations to Speedy and Barbara Sue Nelson for their surprise 25th Anniversary party. They were presented with a proclamation in honor of the event.

Stopped by the Chamber of Commerce Annual Meeting which was held in St. Mary's City.

Expressed congratulations to the young man who won the Soap Derby contest in Leonardtown, and reported that the winner will go to national competition in Akron, Ohio.

Commissioner Mattingly

Expressed congratulations to the recent 53 retirees from St. Mary's County Public Schools, and thanked them for their many years of service.

Attended the surprise 25th Anniversary celebration in honor of Barbara Sue and Speedy Nelson, and expressed congratulations to them.

Expressed congratulations to Dan Rebarchick, who was recognized at the Chamber of Commerce Annual Meeting as the Businessman of the Year. He and his family have given much to the community, and are greatly appreciated.

Commissioner Jarboe

Outlined the taping by the Discovery Channel that took place this past week in Hagerstown of the National Electric Drag Racing Association East Coast Competition. The Great Mills High School Engineering Club Racing Team participated in the event, and details regarding the winner of the race were outlined. Great Mills High School is now in the "A" Division and the team is doing very well.

Commissioner Raley

Also attended the Chamber of Commerce dinner, and expressed congratulations to Mr. Hayden, the past chairman, and offered support to the new chair, Bill McKissick.

Reported that he attended, along with Commissioner McKay, the Sheriff's Department Torch Run, which was held for the benefit of Special Olympics.

Expressed his apologies for being unable to attend the St. Mary's County Crab Festival that was held this past weekend.

Reported his attendance at the benefit dinner and dance which was held by the Seagulls this past weekend. The was a fundraising event for the Teen Court.

Reported that St. Michael's will be holding their annual benefit event for their school in Ridge this coming weekend.

Reported that the first of this year's River Concert Series will take place this weekend at St. Mary's College.

Expressed happy Father's Day wishes to all the fathers in St. Mary's County.

Commissioner President McKay

Reminded citizens to join the Commissioners on the lawn of the Governmental Center in order to participate in the celebration of Flag Day.

Reported that the Pro National Motocross event will be held at Budds Creek this weekend. This is an annual event, with more than 20,000 people in attendance, and it will be televised nationally. Invited the citizens of the County to come visit Budds Creek this weekend for this enjoyable event.

Reported that the Southern Maryland Agriculture Development Commission has asked the Board of County Commissioners to have one representative from the Board to participate in the Commission, which meets monthly. Asked Commissioners to consider their schedules and to let him know if they may be able to serve on this Commission.

Asked Commissioners for their input on canceling the meetings of August 9 and September 6, 2005, as the meeting quota for the year will easily have been met. Commissioners were in agreement for cancellation of the meetings. *Ms. Mauck was asked to send out an updated Board of County Commissioner Meeting Schedule for 2005.*

Expressed congratulations to Bob Richardson, who recently retired as an officer of Parole and Probation. Reported that a proclamation was presented to Mr. Richardson on behalf of the Board of County Commissioners.

**PUBLIC HEARING ON PROPOSED ZONING ORDINANCE TEXT
AMENDMENT FOR MANDATORY CONNECTION TO COMMUNITY WATER
AND SEWERAGE SERVICE**

Present: Jeff Jackman, Senior Planner, Land Use and Growth Management
Denis Canavan, Director, Land Use and Growth Management

A public hearing was conducted on a Proposed Zoning Ordinance Text Amendment for Mandatory Connection to Community Water and Sewerage Service. The hearing was properly advertised on May 25 and June 1, 2005 in *The Enterprise* newspaper. Mr. Jackman outlined details regarding the proposed amendment that would allow changes to sections of the Ordinance so that the Planning Director may waive or defer requirements under the Ordinance after consultation with the St. Mary's County Metropolitan Commission and the St. Mary's County Office of Environmental Health under specific conditions. A person building a home that is located within 1,750 feet of an existing public water system would normally be mandated to connect to the public water system; this provision would allow for a waiver of that provision due to hardship.

The Commissioner President opened the public hearing for testimony, and as no one was present to speak, the public hearing was closed. The record will remain open for ten days, and will then be placed on an agenda for discussion and a final decision.

**PUBLIC HEARING: GOLF COURSE DRIVE EXTENDED ROAD
IMPROVEMENT TAXING DISTRICT**

Present: Allen Settle, Project Management, Department of Public Works &
Transportation
George Erichsen, Director, Department of Public Works & Transportation
John B. Norris, III, County Attorney

A public hearing was held on the Golf Course Drive Extended Road Improvement Taxing District. Under consideration is the fixing and levying of a benefit assessment charge to fifty-nine properties within the Golf Course Drive Extended Road Improvement Taxing District in the amount of \$217.16 per year, per property, for a period of twenty years. The public hearing was properly advertised on June 3 and June 10, 2005. Mr. Erichsen outlined the history of the road improvement project that was requested by the initial property owners on Golf Course Drive when the builder(s) defaulted and did not complete the project as required.

The property is located from the intersection with Golf Course Drive to the intersection of Lake Drive North, a distance of approximately 2,700 feet, as shown on the Subdivision Plat of Wicomico Shores, recorded among the Land Records of St. Mary's County at Plat Book 8, folio 48-49. From the original group of homeowners requesting the road

improvement, 76% were in favor of the establishment of the taxing district in order to reimburse the county for payment of the upgraded road. Mr. Erichsen outlined details regarding the refinancing and reduction of the original \$340 cost to each property owner.

Commissioner President McKay opened the public hearing for public testimony, with the following individuals speaking:

Bob Parker, 35413 Golf Course Drive – has lived there for one year, and this is the first he has heard of the taxing district, as none of the information came up on a title search, etc. Asked specific questions about the taxing district and more about the history of this issue, with Mr. Erichsen providing a response. Mr. Norris reported that a title or deed research should have brought this information up. He also outlined the reason the infrastructure was not built in the first place was due to the filing for bankruptcy by the builder.

Chris Kusmano, 35510 Golf Course Drive – has lived there for 3 ½ years, was one of the first homeowners, and stated that of the original 76% that were in favor, not one of those is presently residing there. The information presented was not disclosed when he purchased his home.

Larry Keheart, 35320 Golf Course Drive – Outlined one court that has not been paved, and asked for input from the county on this. Asked questions about builder fees, etc, and Mr. Erichsen responded, stating the road in question is Pine Court. Pine Court, as well as other cul-de-sacs, met R20 requirements for multiple use entrances, and the county has already met those requirements.

Hank Harman, 35290 Golf Course Drive – Asked questions about the levy going along with the property, and the County Attorney responded in the affirmative.

Sheri Schwaner, 35527 Golf Course Drive – Asked if this was common practice throughout the County. Commissioner President McKay responded to the question.

Teresa Holmes, 35300 Golf Course Drive – Discussed significant wet ground issues, and outlined dealings with the Metropolitan Commission, environmental personnel, and golf course personnel. Overlot grading, house elevation, etc. was discussed, and *Mr. Canavan agreed to meet with Ms. Holmes in order to respond to her issues.*

Chris Kosmano (speaking for the 2nd time) – Raised questions regarding surface treatment and drainage into the street, and questioned why Public Works was not resolving the issues. Discussion included the underground springs located in the area and constant flowing of water.

Joseph Hill, 35445 Golf Course Drive – Outlined issues due to two springs that run continuously on his property, and he was told that green water that bubbles out of the ground is coming from the golf course.

Commissioners agreed to continue the public hearing on Tuesday, June 28th, to include a tour of the road at 5:30 p.m. with a 6:00 p.m. public hearing continuance at the Wicomico Shores Golf Clubhouse. Commissioner President McKay stated that all the experts that would have advice regarding the matter should be present for the tour and public hearing. Mr. Norris stated that the same agenda could be used, and that advertisement had already taken place.

Chico Rivers, Chair, Property Owners Association – reported that the association would ensure that all property owners in their database are notified of the continued public hearing. In addition, some of the residents would accompany the Commissioners while touring the road and properties.

Judy Walthour – Golf Course Drive – Asked questions about the title search on properties.

The public hearing was recessed and will be reconvened on June 28th.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT – DECISION ON COMPREHENSIVE WATER & SEWER PLAN AMENDMENTS FOR K&R, WOODLAND ACRES, & FOREST RIDGE

Present: Jeff Jackman, Senior Planner
Steve King, Metropolitan Commission

Mr. Jackman outlined a public hearing that was held on each of the matters for Comprehensive Water and Sewer Plan Amendments for K & R Subdivision, Woodland Acres, and Forest Ridge. The public hearing was held on May 10, 2005.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign Comprehensive Water and Sewerage Plan Amendment Resolution, Case CWSP #04-110-073 for K and R Subdivision. Motion carried, 5-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign Comprehensive Water and Sewerage Plan Amendment Resolution, Case CWSP #04-120-041 for Woodland Acres. Commissioners McKay, Mattingly, and Jarboe voted in favor of the motion; Commissioners Dement and Raley voted against the motion. Motion carried, 3-2.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign Comprehensive Water and Sewerage Plan Amendment Resolution, Case CWSP #04-120-006 for Forest Ridge. Motion carried, 5-0.

Staff was directed to make a change to the Resolution for Forest Ridge to reflect that it is located within the Fifth District.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Jarboe, to move into Executive Session in order to discuss a matter of Property Acquisition, as provided for in Article 24, Section 4-210(a)11. Motion carried, 5-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
John Norris, County Attorney
Denis Canavan, Director, Land Use and Growth Management
Dr. Lorraine Fulton, Acting Superintendent of Schools
Bradley Clements, Chief Administrative Officer, SMCPS
Dan Carney, Chief Financial Officer, SMCPS
Cathy Allen, Chair, Board of Education
Dr. Sal Raspa, Board of Education
Kim Howe, Division of Supporting Services, SMCPS
Kate Mauck, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 3:10 – 5:04 p.m.

Action Taken: The Commissioners discussed a matter of real property.

VOTE FROM EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Jarboe, to direct staff to proceed as discussed on a matter of Real Property/Acquisition. Motion carried, 5-0.

FLAG DAY

The Board of County Commissioners participated in a celebration on the lawn of the Governmental Center in honor of Flag Day.

ADJOURNMENT

The meeting adjourned at 5:06 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

This page intentionally left blank.